



Atty. Dkt. No. 016907-1576

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Haruki TODA et al.
Title: SEMICONDUCTOR MEMORY DEVICE
Appl. No.: 10/688,881
Filing Date: 10/21/2003
Examiner: V. Nguyen
Art Unit: 2827

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

The PTO did not receive the following
listed item(s) _____

This is an application for patent term adjustment under 37 C.F.R. § 1.705(b). The Applicants respectfully request reconsideration of the patent term adjustment indicated in the Notice of Allowance.

The Notice of Allowance indicated a patent term adjustment of 0 days. The Applicants believe that the correct patent term adjustment is 248 days.

The fee set forth in 37 C.F.R. § 1.18(e) is enclosed. The Commissioner is hereby authorized to charge Deposit Account No. 19-0741 if any additional fees are required.

As indicated above, the correct patent term adjustment is 248 days, arising under 37 C.F.R. § 1.702(a)(2) (this is also in accordance with 37 C.F.R. § 1.703(a)(2)). A written restriction requirement was issued on August 4, 2004. The Applicants promptly replied thereto on September 7, 2004 under 37 C.F.R. § 1.111. As indicated in MPEP § 2731, a written restriction requirement is a notification under 35 U.S.C. § 132 and thus Applicants response to the restriction requirement on September 7, 2004 was a reply under 35 U.S.C. § 132 per 37 C.F.R. § 1.702(a)(2). Thus under § 702(a)(2) and § 703(a)(2), the Office was

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obliged to respond by January 7, 2005 with an action under 35 U.S.C. § 132, or a notice of allowance under 35 U.S.C. § 151. However, the Office did not respond until the Notice of Allowance of September 12, 2005. Accordingly, Applicants are entitled to a patent term adjustment of 248 days, that is the time period between January 7, 2005 and September 12, 2005.

The patent application is not subject to a terminal disclaimer.

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application.

In this regard, please note that the Office wrongly issued a Notice of Abandonment on April 6, 2005, as indicated by the Decision of August 12, 2005.

The Office should feel free to contact the undersigned if any additional information is needed.

Respectfully submitted,

Date December 8, 2005

By 

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